

#### **IV. REMARKS**

##### **Status of the Claims**

Claims 1 is amended. Claims 1-17 are presented for further consideration.

##### **Summary of the Office Action**

Claims 1-16 stand rejected under 35USC102(e) on the basis of the cited reference Goyal et al, U.S. Patent No. 6,751,473. Claim 17 stands rejected under 35USC103(a) based on the reference Goyal in view of the cited reference Fernandez-Marinez, U.S. Patent No. 6,408,072. The Examiner is respectfully requested to reconsider his rejection in view of the above amendments and the following remarks.

In response to the Examiner's objection to the drawing a replacement sheet 9 is presented showing the embodiment in wrist wearable form in support of claim 17. Support for this disclosure is contained on page 8, lines 6-7.

##### **Discussion of the Cited Reference**

The Examiner relies on the reference Goyal to support the rejection based on anticipation and as primary support for the rejection based on obviousness.

Claim 1 has been amended to include the feature of the first and second parts being connected with first and second connecting elements and the first connecting element being on a first side of the first part and the second part and the second connecting element being on a second side of the first part and the second part.

US 6751473 (GOYAL) discloses a terminal in which a camera and video display console 2 and 3 are connected to a base console 4 by means of telescopic linkages 16A and 16B. The telescopic linkages are connected to an end of the camera and video display console 2, 3 and an end of the base console 4.

GOYAL does not disclose a terminal having first and second parts being connected with first and second connecting elements, the first connecting element being on a first side of the first part and the second part and the second connecting element being on a second side of the first part and the second part. Therefore, claim 1 is novel over GOYAL.

GOYAL does not contain any disclosure or suggestion that there should be a first connecting element on a first side of the first part and the second part and a second connecting element on a second side of the first part and the second part. In fact, rather than providing any such teaching, GOYAL actually teaches against such an arrangement. The terminal of GOYAL is provided in all of its major embodiments with a telescoping arrangement between a camera/display part and a base part. Figure 9 is an exception but this Figure contains no teaching relevant to the present invention and will not be considered further. The purpose of the telescoping arrangement can be seen in Figure 10. The description of Figure 10 states (column 7, lines 56 to 62):

"As illustrated in FIG. 10, when the user operates the communication terminal 1 of FIG. 9, his head would be partially encircled by the consoles 2, 3, 4. In this orientation, the video display 7 would be placed into the line of sight 43 of the user, the speaker 9 would be adjacent to the user's ear 44, and the microphone 8 would be in front of the user's mouth. It should be noted that the spacing between the video display 7 and the user's eyes can be aligned and adjusted via the linkages 16A, 16B and the hinges 17. Therefore, FIG. 9 illustrates the

preferred embodiment of the invention, when the communication terminal 1 is to be operated in the orientation illustrated in FIG. 10."

In order to provide such functionality, GOYAL has provided a telescoping arrangement connected to the ends of the camera/display part and the base part. In this way, the maximum separation of the camera/display part and the base part is obtained with the minimum extension of the telescoping arrangement. Furthermore, by connecting the telescoping arrangement to the ends of the camera/display part and the base part, the telescoping arrangement may be stowed in the body of the camera/display part and the base part. This is important in the device of Goyal, because it would be awkward to expose the telescoping arrangement, when the terminal is in a compact configuration. In addition, if exposed, wear and tear on the complex telescoping linkage would self defeating. Also the terminal is more aesthetically pleasing, if the telescoping arrangement is stowed away.

Further, Applicant submits that claim 1 is inventive over GOYAL because any hypothetical modification of the terminal of GOYAL to provide the features of the invention would result in a telescoping arrangement, that would require further extension of the linkage than that already disclosed in GOYAL with an associated increase in complexity without the benefits of compact stowage. There is no teaching whatsoever in GOYAL that any of the disclosed terminals should be modified to have such disadvantageous characteristics.

### **The Issue of Anticipation**

The Examiner is reminded that the anticipation analysis requires a positive answer to the question of whether the system of Goyal

would infringe the claims of this application, if it were later.

All of the claims of this application are directed to a linkage having the following features:

**"...a first connecting element being on a first side of the first part and the second part and a second connecting element being on a second side of the first part and the second part."**

Since this feature is not present in the device of the reference Goyal, there can be no infringement of the subject claims. Therefore the teaching of Goyal does not support the rejection based on anticipation with respect to any of the claims. These arguments apply equally to the rejected dependent claims.

#### **The Issue of Obviousness**

It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application.

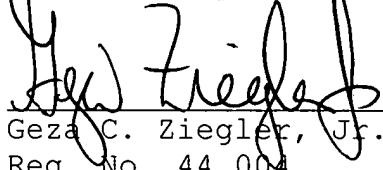
Applicant submits that the above described deficiencies of the primary reference Goyal are not remedied by the proposed combination with the teaching of the reference Fernandez-Martinez. The combined references do not therefore support a prima-facie case of obviousness. The modification of the teachings of Goyal and Fernandez-Marinez, in order to obtain the invention, as described in the claims submitted herein, would not have been obvious to one skilled in the art.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly

novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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3 JUNE 2005  
Date

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